UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

)	
ASSOCIATION OF AMERICAN)	
PHYSICIANS AND SURGEONS)	
EDUCATIONAL FOUNDATION,)	
)	
Plaintiff,)	
v.)	No. 3:22-cv-00240
)	
AMERICAN BOARD OF INTERNAL)	
MEDICINE, et al.,)	
)	
Defendants.)	
)	

DEFENDANT ALEJANDRO MAYORKAS'S RESPONSE TO PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY

Department of Homeland Security ("DHS") Secretary of Homeland Security Alejandro N. Mayorkas respectfully submits this response to Plaintiff's Notice of Supplemental Authority, ECF No. 28. The opinion to which Plaintiffs cite is at most marginally relevant to the case at bar. Most notably, this entire case is moot because the Complaint challenges the "Disinformation Governance Board," which no longer exists, *see* Def. Mayorkas Mot. to Dismiss at 9, ECF No. 20, whereas the opinion cited by Plaintiffs does not address mootness. In any event, the opinion cited by Plaintiffs was wrongly decided because, *inter alia*, the court did not properly apply established precedent on standing or the First Amendment. Should the Court find the opinion worthy of analysis, Defendant requests an opportunity to brief the relevant issues.

Dated: March 29, 2023 Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on March 29, 2023.

/s/ Michael P. Clendenen
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